

### DETAILED ACTION

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 8, 2011 has been entered.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donna R. Fugit on September 22, 2011.

Change(s) applied The application has been amended as follows:

to document,

/K.M.P./ In the claims:

11/7/2011

11  
Claim ~~21~~, delete the current version and replace it with the following:

11. A cosmetic and/or pharmaceutical composition comprising: a fatty acid ester mixture of pentaerythritol, wherein the fatty acid has 6 to 22 carbon atoms, the esters have a ratio by weight of C16/C18 fatty acid of about 0.7 to 0.9, and wherein said ester mixture contains less than 0.3% by weight of esters containing C17 fatty acid acyl